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12 Attorney for Mark Galloway

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 MARK GALLOWAY,

19 Defendant.

20 Case No. 2:20-MJ-01041-EJY

21 **STIPULATION TO CONTINUE
BENCH TRIAL**
(First Request)

22 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney,
counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
and Andrew Wong, Assistant Federal Public Defender, counsel for Mark Galloway, that the
bench trial currently scheduled on February 17, 2021 at 9:00 am, be vacated and continued to
a date and time convenient to the Court, but no sooner than sixty (60) days.

23 This Stipulation is entered into for the following reasons:

24 1. Defense counsel needs additional time to review discovery, research potential
25 pretrial motions, and discuss with Mr. Galloway whether this case will be resolved through
26 negotiations or proceed to trial.

1 2. Mr. Galloway is not incarcerated and agrees to this continuance.

2 3. Additionally, denial of this request for continuance could result in a
3 miscarriage of justice. The additional time requested by this Stipulation is excludable in
4 computing the time within which the trial herein must commence pursuant to the Speedy Trial
5 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
6 18, United States Code § 3161(h)(7)(B)(iv).

7 This is the first request for a continuance of the bench trial.

8 DATED this 9th day of February, 2021.

9
10 RENE L. VALLADARES
11 Federal Public Defender

12 */s/ Andrew Wong*
13 By _____
14 ANDREW WONG
15 Assistant Federal Public Defender

16 NICHOLAS A. TRUTANICH
17 United States Attorney

18 */s/ Rachel Kent*
19 By _____
20 RACHEL KENT
21 Special Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
MARK GALLOWAY,
Defendant.

Case No. 2:20-MJ-01041-EJY

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The defendant is scheduled to be transported to a Bureau of Prisons facility for purposes of an evaluation.

2. Counsel for the defendant needs the additional time for said evaluation to be completed.

3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the first request for a continuance of the bench trial.

1 **CONCLUSIONS OF LAW**

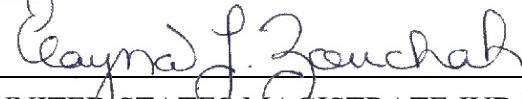
2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
8 United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18,
9 United States Code, § 316(h)(7)(B)(iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,
12 February 17, 2021, at 9:00 a.m., be vacated and continued to April 28, 2021 at the hour of
13 9:00 a.m., in Courtroom 3D.

14 DATED this 10th day of February, 2021.

15 
16 _____
17 UNITED STATES MAGISTRATE JUDGE